

1 13. When contacting Plaintiff on his cellular telephone, Defendant used an
2 automatic telephone dialing system.

3 14. Plaintiff knew that Defendant's calls were automated as he would be
4 greeted by a recording prior to speaking to Defendant's representatives.

5 15. Defendant's telephone calls were not made for "emergency purposes."

6 16. Desiring to stop the repeated calls, Plaintiff spoke with Defendant on
7 multiple occasions within the four-year period preceding this Complaint, informed
8 Defendant that he could not pay the debt and instructed Defendant to immediately
9 cease and desist all further telecommunications.
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11 17. Defendant heard and acknowledged Plaintiff's repeated demands to
12 stop calling him.
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14 18. Once Defendant was aware that its calls were unwanted, its continued
15 calls could have served no purpose other than harassment.
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17 19. Defendant proceeded to ignore Plaintiff's innumerable instructions to
18 stop calling him and instead continued to call him an excessive number of times
19 each week or each day through in or around late 2016 or early 2017.
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21 20. Defendant's incessant calls were especially annoying, disruptive and
22 distressing to Plaintiff during this period, as he was regularly contacted by
23 Defendant while in the midst of running his restaurant business.
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25 21. Upon information and belief, Defendant conducts business in a
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1 manner which violates the Telephone Consumer Protection Act.

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4 **COUNT I**
5 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER**
6 **PROTECTION ACT**

7 22. Plaintiff incorporates the forgoing paragraphs as though the same were
8 set forth at length herein.

9 23. Defendant initiated automated calls to Plaintiff using an automatic
10 telephone dialing system.

11 24. Defendant's calls to Plaintiff were not made for "emergency
12 purposes."

13 25. Defendant's calls to Plaintiff, after Plaintiff told Defendant's
14 representatives that he was unable to pay the debt and told Defendant to stop
15 calling him, were not made with Plaintiff's prior express consent.

16 26. Defendant's acts as described above were done with malicious,
17 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights
18 under the law and with the purpose of harassing Plaintiff.

19 27. The acts and/or omissions of Defendant were done unfairly,
20 unlawfully, intentionally, deceptively and fraudulently and absent bona fide error,
21 lawful right, legal defense, legal justification or legal excuse.
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1 28. As a result of the above violations of the TCPA, Plaintiff has suffered
2 the losses and damages as set forth above entitling Plaintiff to an award of
3 statutory, actual and treble damages.
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6 WHEREFORE, Plaintiff, STANLEY MEELKER, respectfully prays for a
7 judgment as follows:
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- 9 a. All actual damages suffered pursuant to 47 U.S.C.
10 §227(b)(3)(A);
11 b. Statutory damages of \$500.00 per violative telephone call
12 pursuant to 47 U.S.C. § 227(b)(3)(B);
13 c. Treble damages of \$1,500.00 per violative telephone call
14 pursuant to 47 U.S.C. §227(b)(3);
15 d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3); and
16 e. Any other relief deemed appropriate by this Honorable Court.
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, STANLEY MEELKER, demands a jury trial in this case.

Respectfully submitted,

DATED: September 28, 2018

/s/ Joseph C. Hoeffel
Joseph C. Hoeffel, Esq.
Kimmel & Silverman, P.C.
30 East Butler Pike
Ambler, PA 19002
Phone: (215) 540-8888
Facsimile: (877) 788-2864
Email: jhoeffel@creditlaw.com